



## European journal of American studies

3-3 | 2008  
Autumn 2008

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### Electronic version

URL: <http://journals.openedition.org/ejas/3252>  
DOI: 10.4000/ejas.3252  
ISSN: 1991-9336

### Publisher

European Association for American Studies

### Electronic reference

Terje Mikael Hasle Joranger, « The Migration of Tradition: Land Tenure and Culture in the U.S. Upper Mid-West », *European journal of American studies* [Online], 3-3 | 2008, document 3, Online since 10 November 2008, connection on 19 April 2019. URL : <http://journals.openedition.org/ejas/3252> ; DOI : 10.4000/ejas.3252

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# *The Migration of Tradition: Land Tenure and Culture in the U.S. Upper Mid-West*

Terje Mikael Hasle Joranger

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- 1 Between 1815 and 1915 about 50 million individuals emigrated from Europe to overseas destinations, 35 million of whom went to the United States of America. A large number of these settlers, especially from Western and Northern Europe, followed a rural-to-rural migration pattern in that they came from peasant backgrounds and settled in agricultural areas in America. The region known as the upper Middle West, often labelled the heartland of the nation, was the destination for a large number of these immigrants. Due to the great ethnic diversity of the region, it forms an ideal locale for a comparative study of the various forms of cultural transplantation from Europe. Agrarian emigrants from Western and Northern European originated from areas with different practices of landownership, but they all hailed from societies where land was regarded as the most significant symbol of wealth. Furthermore, it formed the connection between economic ability and social standing in society. This article shows to what extent American land law influenced land transfer strategies among Germans and Norwegians, based on the criteria that both groups started their emigration prior to the American Civil War and that both to a large extent were tied to agriculture.<sup>1</sup>
- 2 The relationship between the land and those that occupied it has been significant for many perceptions of the American West. In this respect, few historians have exerted greater influence in the field of American national history than Frederick Jackson Turner. When the Superintendent of the Census of 1890 stated that the era of free land was over and that settlement had come to an end, Turner pointed to the significance of the closing of the frontier. In his ground-breaking thesis, he praised the extensive territory known as the “frontier” as the means by which European immigrants were assimilated and moulded into a mixed race of Americans. According to Turner, the advance of the frontier thus meant “a steady movement away from the influence of Europe, a steady growth of

independence on American lines.” Especially visible in the colonization of the Middle West, the most significant effect of this process was the promotion of democracy in America. The frontier thesis and its perception of the open environment as a place where the American people was forged made a deep imprint upon new generations of American historians in the field of immigration history. A school of historians (the ‘ethnic Turnerians’) developed Turner’s thesis further by focusing on the grass roots, writing “history from the bottom up,” putting the immigrants from Europe and their offspring into American history, and considering the preconditions for migration in their respective homelands.<sup>2</sup>

- 3 Despite the influence of Turner’s frontier thesis, early twentieth century scholars acknowledged that the native born and the immigrants behaved in quite different ways.<sup>3</sup> Writing in 1922, agrarian historian Joseph Schafer drew distinct contrasts between the American and the European, who he termed as the “Yankee” and the “German” or the “Teuton.” In choosing the state of Wisconsin with its large German population, he discussed the varying attitudes of the two groups toward the land and their attitudes as farmers. The German, he asserted, looked at his patrimony as a basis for livelihood, valued land as his home, and usually purchased a piece of land in order to “establish a family estate.” In most cases a very limited acreage sufficed to achieve this goal through intensive labour and persistence. The Yankee, on the other hand, was “more speculative to the last, more imaginative and space-free, drawn by the [...] lure of wealth quickly and easily acquired.” Thus, the Yankee did “regard land lightly,” to him land was a money-making business, “a desirable commodity,” and by no means “a sacred trust.” This resulted in the Yankee’s ambition to acquire larger tracts of land than his German counterparts that he could eventually sell to go elsewhere, “confident of success on a new frontier” if the farm did not meet his expectations.<sup>4</sup>
- 4 In addition to the various attitudes regarding land found among Yankees and Germans, Schafer also presented a dichotomy regarding their traits in farming. According to Schafer, Yankee leadership was the dominant influence in innovative agriculture, for example in breeding and improving livestock. As the organizers of the farmers’ movement through their optimism, sense of investment and speculative spirit, they formed the basis for the strong position of dairy business in the state. However, he credits Germans, Scandinavians, and other foreigners for implementing the ideas “by virtue of their agricultural morale [...] their patience and perseverance.” Germans persisted as farmers by managing their smaller farms more carefully than Yankees, and in instances when the latter offered their farms for sale, “Germans were among those who were the keenest bidders for their farm properties.” Schafer concludes that Wisconsin’s agricultural success may be attributed to the “fortunate blend” between the two groups.<sup>5</sup>
- 5 In his seminal essay “Immigration and Expansion” published in 1940, another student of Turner’s, Marcus Lee Hansen, both repeated and expanded Schafer’s examples of cultural variation. Forms of succession were a key difference between native and foreign-born farmers. He wrote that “The ambition of the German-American father [...] was to see his sons on reaching manhood established with their families on farms clustered about his own.” Due to the availability of land, an entire family could “take complete possession of a township.” The American father, on the other hand, had a different attitude and “made no such efforts on behalf of his offspring.” These strategies created different migration processes. European immigrants observed the mobility of the Yankee and the “sacrilegious attitude of agriculturists toward the ‘holy earth’,” where “they traded farms

in the same light-hearted spirit that they swapped horses.” The mobility among the Yankees opened up opportunities for newcomers to become landed and to expand their settlement through land purchases.<sup>6</sup>

- 6 Many scholars have since reinforced Schafer’s and Hansen’s conclusions.<sup>7</sup> Sociologist Sonya Salamon in the 1970s and 1980s conducted studies on the relationship between farm family land transfers and culture in Illinois. She asserts that in ideal form the two attitudes toward the land shown among German and American farmers symbolized the tensions existing in nineteenth-century American rural society. Whereas Germans represented agrarianism as a tool to promote family welfare, Yankees practiced capitalistic and individualist aims in farming. In her study on the cultural patterns of land ownership among German and Yankee farm families in Illinois from the late nineteenth to the late twentieth century she employs the terms “yeoman” and “entrepreneur” to distinguish between the two patterns. These are influenced by the motivation of the two groups regarding land acquisition, management, and succession strategies to achieve strategic goals. According to Salamon, the two groups followed different strategies, both of which were successful in terms of competition and efficiency. Yeomen farm families made risk-averse business choices, held on to their inherited land and emphasized succession and family continuity. Entrepreneurs, on the other hand, strived to make profits, took risks in their business choices, willingly sold inherited land, and negotiated succession. As a result of farm consolidation, mean farm size was higher in entrepreneur-dominated areas than in yeomen communities.<sup>8</sup>
- 7 Although the dichotomy between the German and Yankee farmer regarding land tenure is presented in an ideal form, it does illustrate interesting differences between the two groups. The assertion here is that native American farmers in the nineteenth and early twentieth centuries were familiar with American law and that their behaviour regarding to land tenure and land transfer was based on national law. But how did the American environment affect land transfer strategies among European immigrant groups that arrived in the United States prior to the Civil War?
- 8 Two main factors influenced the development of American land law: the American Revolution, and the abundance of land on the American continent. Due to the different systems of inheritance in England, both primogeniture and partible inheritance co-existed in the early days of the colonial period. On the one hand, English common law dictated primogeniture descent for the land whereas personal property was divided in equal shares according to the Statute of Distribution. On the other hand, partible inheritance was practiced from a very early date in most of New England. Following the American Revolution lawmakers in America disposed of European law regarding land ownership and inheritance. Instead, laws were reformulated into egalitarian provisions according to a developing tradition of individual rights, freedom, and progress. Influenced by republican ideas based on equality and liberty, the states of the union by 1800 had greatly modified the law of descent of lands by abolishing favoured treatment for eldest sons. In other words, the new legislative bodies held that personal property was to be distributed in equal shares to all children in place of the favouring of one heir.
- 9 A common view among legal scholars is that the abundance of land in the new colonies contrasted with the scarcity of land in England. American land actions were regarded as simpler, freer and more innovative than those in England in the mid-eighteenth century as they were rooted in a society where land was regularly traded. As a consequence, the laws were adapted and both land practice and statutes were simplified. Instead of

regarding rights pertaining to land as matters of family, birth, and tradition, economic thought gradually transformed land into another commodity that was traded on the open market. Landed holdings in England had been preserved undivided by one heir, with compensation in cash given to others. In America, on the other hand, land was plentiful to be bequeathed to both sons and daughters. Professor of Law Lawrence M. Friedman thinks that the influence of republican sentiment on American land law may have contributed to the abolition of primogeniture in the eastern states. He reasons that lawmakers in a republic with egalitarian ideals at its core wanted to discontinue the use of an English system of primogeniture which had existed to perpetuate an aristocratic social structure and political system.<sup>9</sup>

- 10 The passing of the Northwest Ordinance of 1787 organizing the Northwest Territory, including a large portion of the Midwest, prescribed basic law and granted any new states carved out from the Territory a permanent republican constitution. Representing a stronger, more centralizing code than earlier documents, the Northwest Ordinance became a powerful model for state constitutions and instructed colonization policy for generations to come.<sup>10</sup> In the Northwest Ordinance, one of the provisions stated that property was to be divided equally among heirs, thus upholding the New England system of partible inheritance. In addition, individual laws legalizing equal inheritance to children, concerning both real and personal property, were repeated in the statutes of the states in the upper Midwest, including the territory of Wisconsin in 1839 and the state of Minnesota in 1866. The Wisconsin and Minnesota statutes formed the basis for the systems of inheritance and the real estate transfers that Norwegian immigrants encountered in the upper Middle West. When the two states entered the union in 1848 and 1858, respectively, they stayed with the common law in forming their constitution and laws.<sup>11</sup>
- 11 Consequently, the contrast between American individualism and European communitarianism is clear. But to what extent did the two cultures clash on the American scene? And how did these cultural conflicts influence customs tied to land tenure that European immigrants transplanted to the agricultural areas in the upper Midwest?
- 12 Empirical evidence in part corroborates the difference in approach between the Yankee and the German regarding attitudes toward land and inheritance. Kathleen Neils Conzen in 1985 published a case study on land transfer strategies among German, Irish, and Yankee settlers in St. Martin Township in Stearns County in west central Minnesota. Frontier Minnesota conditions permitted German immigrant farmers and their children to maintain and revitalize traditional familial values through old-country strategies. These immigrants originated from areas in Germany where both partible and impartible inheritance were practiced. Immigrants from the Rhine Province, for example, hailed from a region where the imposition of the Code Napoléon ensured that sons and daughters inherited equally. Estates in this region were frequently distributed during the lifetimes of the parents, and their support in retirement by one or more co-heirs formed part of the settlement agreement. Those from Bavaria or Westphalia, on the other hand, came from an area where impartible inheritance prevailed. This inheritance pattern was characterized by open-field agriculture and larger, unified holdings where peasants lived on their own farms. Here, the parental couple and the single heir and his family shared a common residence, and non-heirs received compensation from the estate in forms other than land.

- 13 Unlike the German pattern, Yankee settlers waited until death to dispose of their land, and thus none of the original Yankee settlers handed down the farm to the next generation. Yankee settlers, who only counted six original families, either sold out or rented out their land and then sold their inheritances after a period of joint ownership. Consequently, all Yankee families had disappeared from the township by 1905. Irish settlers, on the other hand, managed to create stable intergenerational farms. Following a process tied to Irish land transfer tradition, they practiced impartible inheritance by assisting one son directly and continuing to reside with the child who inherited the land. Yet the Irish in St. Martin shared the Yankee transfer pattern in that they waited until old age or impending death to deal with their disposal of their land.<sup>12</sup>
- 14 Other studies tracing European migrants to different parts of the Midwest have claimed that immigrants kept to themselves in the social and religious sphere but were ‘American’ in economic life. Historian Walter Kamphoefner states that Westphalian immigrants in Missouri adjusted rather quickly to the geographic conditions of their new home in adopting many American crops and farming techniques, although they kept more to themselves in the social and religious sphere. Other scholars have accepted and extended Kamphoefner’s conclusions. Historical geographer Robert C. Ostergren found evidence that the immigrant farmer lived simultaneously in two worlds; his or her social cultural world was based on kinship, religion, and continuity with the past, while the economic world “was modern and alien, but absolutely essential.” He states that most immigrant farmers became Americanized in their encounter with the alien environment, in spite of maintaining a distinct cultural identity. Their encounter with their American environment made them engage in experimentation of new agricultural techniques and tools and the borrowing new ideas, notably from Americans. Economic adaptation also became inevitable due to the fact that they all belonged to a larger economic community where business was conducted on American terms.<sup>13</sup> Recent research shows that specific characteristics among descendants of immigrant German farmers remained distinctive from those of native-born Americans even a century after settlement. Yet, we must add that scholars in their research acknowledged that the density of clustered settlement was essential for community formation and, thus, the maintenance of immigrant farming patterns over time.<sup>14</sup>
- 15 Norwegian farmers in the upper Midwest illustrate that also other old European immigrant groups practiced inter-generational land transfers. We will first relate three central customs connected to inter-generational land transfers in Norway and to what extent these customs were transplanted to American soil. We will thereafter investigate to what extent these were adapted to an American environment.
- 16 Like the Germans, Norwegians have a strong rural bond which fitted well with the American ideal of the small, independent freeholder. The 1900 and 1910 federal censuses showed that Norwegians were the most rural of any nineteenth-century immigrant group. In 1900 only a little more than a quarter of the approximately 337,000 Norwegian-born persons in the United States resided in towns with more than 25,000 inhabitants, the lowest percentage for any European group. Second-generation Norwegians also had a higher percentage among farmers than any other ethnic group, with 54.3 per cent. In 1910, still only 42 per cent of first- and second generation Norwegians were urbanized, which means that they lived in towns with 2,500 or more inhabitants. We may compare this number to native-born Americans in the same census, where 46 per cent were town-dwellers, compared to 72 per cent for all foreign-born. Historian Robert Swierenga claims

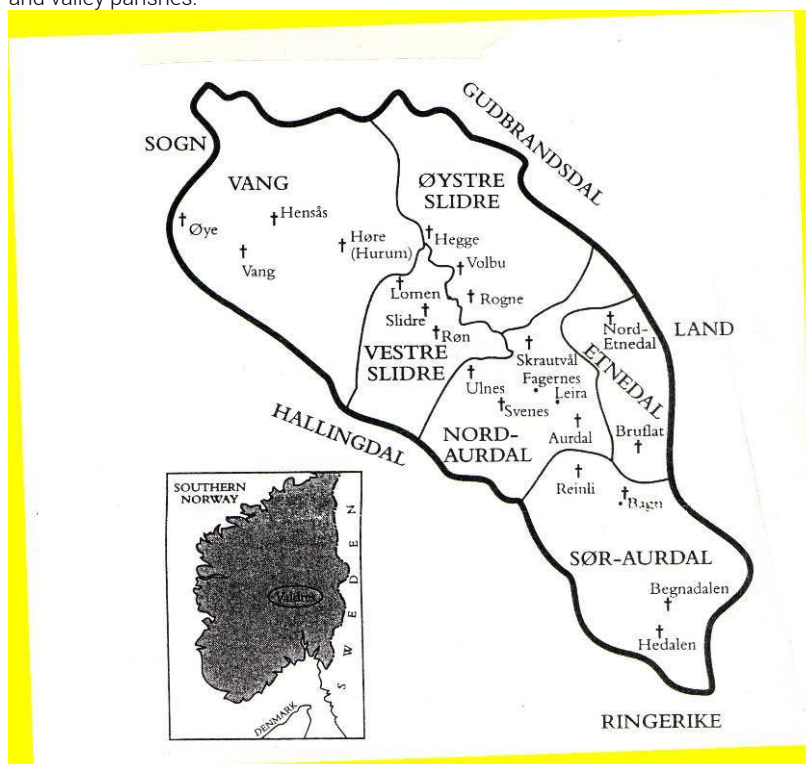
that “[The] Norwegians were the most rural and clannish of the Scandinavians.” In 1880, the Scandinavians were the only major foreign-born group over-represented in agriculture, and in 1918 the Scandinavians were still over-represented by 123 percent. This was more than twice the proportion of Germans (51.8), and way ahead of native-born Americans (7.7).<sup>15</sup>

- 17 What can explain this immigrant group’s attachment to the land? Norway remained rural for a long time, and its rural areas experienced a heavy out-migration to towns and cities in the era of mass emigration between 1875 and 1899; whereas 17 percent of Norway’s population lived in cities and urban areas in 1855, 45 percent did so in 1920. For example, as many as 95 percent of those who left Norway prior to 1865 came from rural areas, and as late as 1940 more than half of all Norwegian-Americans in the upper Midwest lived outside of towns with more than 2,500 inhabitants.<sup>16</sup> Swedish historian Birgitta Odén has observed the degree of attachment to industry and urban life in the United States among Swedes, Danes, and Finns as compared to the rurality among Norwegians, and attributed the difference to conditions in their respective homelands. For example, the strong Swedish and Finnish assimilation with industry in America could be tied to the scattered nature of local industry that thus influenced a large number of the agricultural population. In turn, they easily came in touch with urban life in their new homeland.<sup>17</sup>
- 18 The persistence of family farms in Norwegian peasant society was generally regulated by the size of the farm and the opportunities to seek alternative work elsewhere, and in these cases a younger brother or sister had the chance to assume ownership of the property. As a symbol of paternalism, sons, and especially the eldest heir, were usually favoured over daughters, but the heir also was subject to certain obligations to help his parents. The old peasant society in Norway has been regarded as a society where the eldest son succeeded the father for several generations, thus ensuring the stability of ownership and the transfer of ancestral land within the same family over time. According to Norwegian historian Oscar Albert Johnsen, the freeholder, subject to the allodial right, the *odelsbonde*, tenaciously kept his farm through periods of economic hardship in contrast to the tenant farmer.<sup>18</sup> Formally, Norwegian peasant society was characterized by a paternalistic and a parental culture, which is especially visible at the smallest unit of society, the family. As the household head, the husband practiced discipline in the family household according to his *husbondsrett* (the right and authority that the master of the household exercised over household and servants). He consequently had a formal superior position toward his wife and daughters, and sons were favoured in terms of inheritance. Sons inherited double shares as compared to their sisters and were the most likely to acquire real property, the symbol of economic and social wealth in society. Thus, the allodial right, the right of primogeniture and impartibility, and the support agreement were all advantageous for the male heir. Consequently, in Norway one heir, usually the eldest son or occasionally the daughter in cases where the family consisted of girls, inherited the family farm, leaving younger siblings to either migrate or lead an uncertain and often landless future in the home community.<sup>19</sup>
- 19 The Valdres region in south central Norway, a mountain district that consists of a large inland valley and several side valleys, is linked to several settlement areas in the upper Midwest through channels of migration (see figures 1 and 2 below). The allodial right (*odelsrett*), the right of primogeniture and impartibility of estates (*åsetesrett*), and the support agreement made in connection with farm transfers are the most important institutions connected to the inter-generational transfer of land in Norwegian peasant



societies (*føderåd*). These customs were deeply ingrained in Norwegian rural society by the time of the large-scale transatlantic migrations. The significance of the *odelsrett* and the *åsetesrett* lies in the fact that they were given constitutional protection in 1814.<sup>20</sup> Moreover, these two institutions and the agreements regulating the rights of the seller and buyer in connection with land transfers (*føderåd*) were included in a separate law of 1821.<sup>21</sup>

Figure 1: Map of the Valdres region, including administrative townships and valley parishes.



Source: Terje Mikael Hasle Joranger: "Emigration from Reinli, Valdres to the upper Midwest: A Comparative Study," in Odd S. Lovoll ed., *Norwegian-American Studies*, 35 (2000), 153-196.

- 20 ` The first of the three institutions studied is the allodial right, termed the *odelsrett* in Norwegian.<sup>22</sup> The main purpose of the allodial right has been to preserve the landed family property for the family that has been attached to it for a certain time period. Thus, the land was connected to the family and not to a right of ownership. More specifically, the allodial right is termed as an individual's special right to own agricultural land because they or their ancestors have owned it for a certain time period. Moreover, it is characterized by the right of pre-emption and redemption of the next of kin to real estate, exercised by a person if land had been sold out of the family. The right is mentioned in both provincial and national laws in Norway in the Middle Ages, and probably dates from farther back. According to historian Per G. Norseng, the allodial right was considered singularly Norwegian, a cornerstone of democracy, and an important part of national historiography and political custom.<sup>23</sup>
- 21 The process known as "the transition to freeholding" was a prerequisite for the practice of the *odelsrett*. In general, the transition to freeholding describes a process of change in land ownership whereby peasants under the system of tenancy acquire ownership of their farms. In the region studied here, the transition to freeholding was completed around 1725, whereas a large number of farm units were later established through the



clearing of new farms, subdivisions from older farms, and the ascribing of crofts with freehold status. The percentage of freehold land in the region increased from 44.3 percent in 1677 to 74.6 percent in 1723. By 1850 practically all assessed farms in the Valdres region were freehold, establishing a basis for the *odelsrett*.<sup>24</sup>

- 22 The right of primogeniture and impartibility (*åsetesrett*) is the right of a living heir to assume the undivided ownership of landed property in cases where a deceased leaves agricultural property. More specifically, it refers to the right of the elder of two or more co-heirs to claim the *åsete* (the main holding), provided that the other co-inheritors be compensated with other lands or moveable property. The right of primogeniture probably was introduced in the early sixteenth century, although it did exist in earlier law codes. Thus, the institution as a rule favoured the eldest son according to the principle of impartible inheritance, but in the absence of sons the eldest daughter in the family became the heir to the landed unit. The pattern of land tenure was echoed in most agrarian cultures where sons usually received land while daughters were compensated with chattels. Furthermore, in most agrarian cultures women were subordinated to men in that they were almost without legal rights. The legal rights of women varied according to their civil status; whereas married and unmarried women were legally defined as minors until 1865, widows held a unique position as they could freely dispose of their own property.<sup>25</sup>
- 23 The third institution connected to farm property transfer in the Norwegian peasant society was the social system tied to the transfer of the right of use and the right of ownership of a freehold. In practice, the support agreement, termed *føderåd* in Norwegian, is an arrangement under which the owner(s) of a farm transfers the title to a buyer, often a son, in return for a promise to support the seller(s) for the rest of their life. In this regard, the strategy is closely linked to the Norwegian succession arrangement including the allodial right (*odelsrett*), the right of primogeniture, and the inheritance of undivided landed property (*åsetesrett*). The *føderåd* system dates back at least a thousand years, to the provincial laws of the Norse period, and the first written support agreement dates back to the Middle Ages. Whereas both the *odelsrett* and the *åsetesrett* have been included in separate laws and put under constitutional protection, the support agreement has never been regulated by law. In most cases the individuals subject to the *føderåd* agreement had at their disposal a chamber in the freeholder's dwelling house. Only a minority lived in a separate dwelling house.<sup>26</sup>
- 24 Kjeld Helland-Hansen has identified two types of farm transfer on freeholds; transfers through the distribution of an estate, and transfers through warranty deeds. We will here distinguish between the *inter vivos* transfer, signifying that transfer took place while the seller was living, and the after death transfer. According to the former, in use until the eighteenth century, the selling party gave up their estate and organised its distribution between the heirs in return for support from one or more of them. The timing of farm transfer may relate to the bargaining situation between the seller and his offspring, often tied to the time of marriage of the heir, but the influence exerted by the parents in the old farm communities over their children's marriages could heavily influence this process.<sup>27</sup>
- 25 Norwegian emigrants thus brought with them a cultural baggage to American rural areas in the nineteenth century. To assess how far these customs were retained, and to what extent they fit legislation in the new homeland, the following case study illustrates the succession patterns among Norwegian immigrants in the Blue Mounds settlement in

Wisconsin and the Pope County settlement in Minnesota. The settlements were formed through a process of chain migration, and this study is based on the emigration of a cohort consisting of 22 immigrant families from the Valdres region to the two settlement areas in the upper Midwest, and their descendants for three generations. One half of all male emigrants were landowners or hailed from landed families, the rest were crofters or had been raised in landless families. The sample of farms located within each of the two settlement areas are representative of their respective areas in that they share a common environment and equal opportunities within social and economic life.<sup>26</sup>



Map of larger Valdres colonies in the Upper Midwest.

O South  
Valdres settlements

X North Valdres  
settlements

O South Valdres settlements

X North Valdres settlements

Figure 2: Map of Valdres colonies in the Upper Midwest. The two areas of study in the upper Midwest, the Blue Mounds settlement in Wisconsin and the Pope County settlement in Minnesota, are both marked on the map. Source: Terje Mikael Hasle Joranger: "Emigration from Reinli, Valdres to the upper Midwest: A Comparative Study," in Odd S. Lovoll, ed., *Norwegian-American Studies*, 35 (2000), 153-196.

- 26 To what extent did the migrants adapt to their new surroundings in terms of land transfers? Through the cross-examination of records linked to the inter-generational transfer among the sample group, it is clear that a type of agreement between the parents and their son or daughter did exist in all families studied. The only exception was in cases where both parents had passed away before the transfer had taken place. Analogous to the function of the support contract in Norway, the contract in America made up a part of the *inter vivos* farm transfer between parents, or one parent if the spouse was deceased, and a child, usually a son. The former usually transferred the title to the farm to the latter in return for a promise of support in kind or in money. However, under the increasing pressure of economic forces and structural change in the twentieth century, especially in the post-war years, the paternalistic impact of inter-generational land

transfer strategies brought to the upper Midwest by European immigrants has gradually changed.<sup>29</sup>

- 27 In many cases the money paid by the younger to the older generation enabled the older  
 28 holder to buy or rent a house in town. One strategy employed in cases of *inter vivos*  
 transfers included the use of monetary instalments. In these cases the heir, usually a son,  
 purchased the farm from his parents by establishing a mortgage by which he paid  
 monetary instalments to his parents until he had paid the debt. This in turn ensured that  
 the parents were supported for the rest of their lives. In addition both explicit bonds of  
 maintenance agreements and wills are used in the first generation in the Blue Mounds  
 and Pope County settlements, respectively. In cases of after death transfers, on the other  
 hand, the surviving spouse, usually the widow, was cared for by dower and homestead  
 rights both in intestacy cases and in most testacy cases. A second characteristic of the  
 support system in Norwegian peasant society was the practice of landed households co-  
 residing with the farm couple, either in a separate dwelling house or living under one  
 roof. In America, this tradition was continued by most farm families in the study, but they  
 were also influenced by traits practiced by their neighbours. Dwelling houses set aside for  
 the older generation were also common in the two areas of study. In an interview from  
 1949 a farmer related that his grandfather in Moscow Township in the Blue Mounds  
 settlement had a room in the back of the house where he would go almost every evening  
 to hear tales about Norway. In Pope County, on the other hand, there was an instance  
 where the widow of the first owner lived in a separate house on the farm.<sup>30</sup>
- 29 Similar to the changes that occurred in the use of support contracts, the immigrants and  
 their offspring gradually altered their form of attachment to the family farm following  
 the farm transfer to the next generation. Starting around the turn of the nineteenth and  
 twentieth centuries, retired members of the Norwegian immigrant generation started to  
 move to the nearest village or town instead of moving to the farm, a pattern that  
 increased in following generations. In most cases, they would purchase a dwelling house  
 in a town or village nearby prior to their retirement where they could live for the rest of  
 their lives. Thus, they replicated the migration pattern among native-born Americans. In  
 accordance with the notion of stressing individual rights and independence, Yankees  
 moved to town with capital that they gained from the sale of their land; in town they  
 could pursue an education for their children or invest their money. Recreated by New  
 Englanders and New Yorkers based on their image of towns farther east, towns were  
 usually established as agricultural trade centres serving their surrounding area. As  
 Norwegian farm couples retired to the nearest village, they both obtained individual  
 freedom in old age while neglecting the advantages of living with family members.<sup>31</sup>
- 30 The principles of the *åsetesrett*, the right of primogeniture and impartibility, were  
 continued among Norwegian immigrants in America. The institution included the  
 exclusive right of the eldest heir, in most cases a son or a daughter in case there were no  
 sons, to assume ownership of the main property after the death of the parents. Equal to  
 the Norwegian law of inheritance of 1854, legal provisions in the state constitutions of  
 Wisconsin and Minnesota stated that children were to be treated equally in terms of  
 inheritance to both real and personal property. The concept of primogeniture had been  
 abolished in America by 1800, but the majority of Norwegian immigrants in this study  
 continued this practice. Thus, the eldest son was favoured in a majority of instances as  
 the farm heir in America as in Norway into the third generation.

- 31 Impartible inheritance was the ideal type of inheritance in Norwegian rural communities. Thus, the whole property usually was sold in one piece when it was transferred from one generation to the next much like the ideal in Norway, although there were instances where one person initially bought up several tracts of land and later divided them between his children, notably between his sons. In these cases the land did not include the homestead but rather consisted of additional parcels of land to the acreage that made up the family farm. The following example may illustrate this: Arne Erlandsen Røste emigrated from Bruflat parish in the municipality of South Aurdal to the Blue Mounds settlement in 1850. Once settled there, he purchased many acres of land prior to his death two years later. His widow Siri Andersdatter remarried another immigrant from Bruflat parish, Anders Mikkelsen Byffelien. The latter took care of the property until the children grew up and also extended the family holding by purchasing more acreage that he added on to the original homestead. He then sold parts of the property to his stepsons. One of Anders Byffelien's younger stepsons was Anders Ruste, who later adopted the name of Andrew E. Arneson. In 1857, at age 16, his stepfather purchased 80 acres in Brigham Township, Iowa County as a strategy to pass on the property to Andrew when he reached the age of 21. When Andrew turned 21 in 1861, he purchased the acreage from his stepfather, and this later became the nucleus of his 286 acre farm.<sup>32</sup>
- 32 In relation to the right of primogeniture, a difference from the Norwegian pattern was that in many cases it was a younger son who took over the family farm in the two areas of study. Rather than reflecting birth order, transfers were regulated by other factors including timing related to the decision when parents wanted to retire and the interest of one particular child to become a farmer. Thus, inter-generational land transfers generally occurred less according to the Norwegian rules of primogeniture. In cases where the eldest son did not take over the home farm, he had usually purchased a neighbouring farm or had moved away from the area before the timing of transfer from the parents to one of his siblings. Moving to a different part of the state or to another state to have an education or to find work also affected land transfer, especially in the cases where it was the only son in the family who left.<sup>33</sup>
- 33 The focus on the male heir indicates that paternalistic traits were continued in America. The traits may be explained by the strong position of the male gender in the agricultural sphere. Yet tradition and law could clash in relation to family farm transfers. Legislation in America was based on egalitarian laws stressing an inheritance system favouring all heirs. However, egalitarian provisions that were transferred to newly established states such as Wisconsin and Minnesota following the declaration of the Northwest Ordinance of 1787 were not followed by the mainstream of Norwegian immigrants. Instead, they adhered to paternalistic and traditional land transfer patterns including the favouring of male heirs and the use of *inter vivos* transfers, thus replicating both the general pattern in Norway. This type of transfer in Norway strengthened the position of the heir following declining mortality rates and the pressure on available land through population growth. In American society, on the other hand, land was regarded as a commodity. Therefore the *inter vivos* transfer became a significant strategy to plan the transfer of the family property.
- 34 In this study, *inter vivos* transfers were most common among Norwegians in both settlements. All told, *inter vivos* land transfers took place in 32 out of all 44 cases in connection with the transfer to the second and third generations, making up 73.8 per cent of all transfers. *Inter vivos* transfers were the only type of transfer used among first

generation Norwegian-Americans in the Blue Mounds settlement in Wisconsin. The remaining 12 types of transfer took place after the death of the family head. However, in 9 cases out of 12 the deceased was testate, that is, he had written his last will and testament. The strength of *inter vivos* patterns are coherent with similar patterns of transfer found in other European American communities typified by linearity. Yet testacy remained the most common means of transferring property in the Upper Middle West.<sup>34</sup>

- 35 The real and personal estate in all intestate cases in Pope County, Minnesota were distributed according to the state statutes in the period 1885-1972, that is, in cases where the deceased had not written a will. Persons who had drawn up a will, on the other hand, to a greater extent favoured certain family members, especially sons, instead of following the state statutes. Sons were also favoured by other ethnic groups. In several instances real estate was transferred to sons on the provision that they pay a cash sum to sisters. In several instances the spouse was favoured with all real and personal estate as long as she remained unmarried. Other relatives were favoured in almost an identical number of cases. The drawing up of wills, a casual business in America, was used in cases where the owner wanted to ensure that the widow or vulnerable family members like retarded siblings received a share of the estate. Intestate cases occurred in instances of unexpected death, family disorganization, or because a family could not agree on the division of property. Lastly, the liquidation of farms took place in instances where the parents wanted to sell their farm to an outside party. Both the drawing up of a will and intestate cases had to go through the probate system.
- 36 Through the use of the last will and testament testators could direct their property freely to whom they wanted, and the will was usually echoed in the final decrees of distribution. The main difference between testate and intestate cases lay in the distribution of land and cash sums, as the testator could direct to whom he or she wanted. Personal property, on the other hand, in a majority of cases was divided equally between all heirs in the same manner as in intestate cases. In Pope County, Minnesota for example, real estate was distributed according to the statutes of Minnesota in six cases, whereas an identical number applied to intestate persons. Spouses still were favoured with a one-third interest in the homestead and other lands, whereas the balance was divided between the remaining heirs. Daughters were provided with an inheritance other than land, usually including money or personal estate much like the German pattern of land distribution. Sons were favoured before daughters in one-third of the cases where the testator usually directed his homestead and other lands to one or more sons while other sons and daughters received cash. The case of Syver Aaberg of Blue Mounds Township in Pope County may serve as an illustrative example. When his estate was distributed to his heirs in 1920, he left a widow, four sons, three daughters and two grandchildren as legal heirs. As the owner of 240 acres in said township he had directed the division of the lands as follows: his two eldest sons were to receive 80 acres, his third and fourth son received 40 acres each whereas his daughters and his two grandchildren were each to receive 40 acres jointly. If any of the daughters died without leaving any heirs, the land was to descend to brothers and sister who were then living. Instead of receiving her usual dower in lands the widow was entitled to rents and profits during her lifetime as long as she did not remarry. The personal property was distributed in equal shares between the spouse and the children.<sup>35</sup>
- 37 The allodial right, or the *odelsrett*, defined by the rights of pre-emption and redemption, never had any equivalent in American legislation. Rather, findings from this study

indicate that its old function in Norway was replaced by a mentality related to ensuring community stability, farm family persistency and a bond to the land in America. Both written and oral data material collected in connection with my study suggest that there was a pronounced wish by many to keep the farm in the family. Yet there was not a pronounced wish that the oldest son must be favoured as the farm heir. A Norwegian immigrant explained that all his sons insisted upon owning farm lands in America although only a few of them became farmers, largely for reasons of sentiment, in harmony with the old conception of land ownership.<sup>36</sup> This sentiment could be a reformulation of the old Norwegian institution of *odelsrett* in an American environment where it was non-existent. In other words, the rights of pre-emption and redemption that marked the *odelsrett* institution in Norway could have been replaced by a mentality tied to farm persistency and attachment to land found among Norwegian farmers.

- 38 A majority of all those interviewed stated that their families belonged to close-knit communities. The following example may represent the bond between family and their land that was expressed by several interviewees. A male farmer, born in 1931, is the third generation that resides on the family farm in Pope County that his grandfather homesteaded in 1875. He contends that there is a lot of family pride in residing on the farm:

It's about family. You want to keep it as good or better when you go and leave as when you got it. [ ] We do see a lot of people that buy up land, you know, and there's so much of this corporate farming going on. Buy the land and then they sell the building site to some people who aren't too conscious about keeping it nice, you know, and this is wrong. [ ] Save family farms, because it's hurting rural America. [ ] [A] lot of people sell the farm and go to town. I don't think they are cared for as well if they stayed here because a neighbour in town isn't like a neighbour in the country.<sup>37</sup>

- 39 This attachment to land among Norwegians is reflected in other studies. In their study on Norwegian-American tobacco farmers in south-west Wisconsin, scholars found that the rural culture among the ethnic group affected their use of a conservative and traditional production strategy in their tobacco cultivation. In general, they were not interested in tobacco for their own sake, and the use of a strict dairy strategy concentrating on a loss and profit statement was not the sole goal and measure of satisfaction. Instead, they employed a farming strategy that combined tobacco growing with dairying, and by concentrating on family labor based on sustenance these farmers were better prepared to survive the farm crisis of the 1980s than those who chose alternative strategies and acquired more debt. The authors related the success of the dairy-tobacco strategy to a Norwegian rural culture that centred around the family farm and the personal and community values attached to it. According to an interdisciplinary study presented by C.F. and H.C. Midelfort on ethnicity and family therapy among Norwegian families, the love and loyalty to family, which had kept Norwegians on the same farm in Norway for centuries, continued to influence them in the United States. In Norway, where it was considered a tragedy if the family farm passed out of the family's hands, attempts to break away from the family were often accompanied by intense feelings of guilt, anxiety and resentment.<sup>38</sup>
- 40 The high status of the Lutheran Church among Norwegian-Americans in the rural areas studied was significant in terms of social continuity. For example, the conservative attitudes of the Norwegian Synod were visible in the way local pastors admonished only Lutherans, and preferably Norwegians, to buy land within the congregation. In keeping



the land in the family, they kept the community vibrant and the Lutheran church going. An extremely aggressive Lutheran pastorate encouraging farming as a way of life may in part explain why Norwegians stayed on the land in such large numbers. An article in *The Glenwood Herald* of 1910 illustrates this trait. Following a service in the Nora Lutheran Church, a birthday party for one of the parishioners was held with pastor A.O. Dolven speaking on behalf of the guests. The newspaper related the following: Mr. Dolven made a special plea for retaining the homes and farms in the family, to keep one of the boys on the home farm and thus pass it on from father to son and let the succeeding generations continue the splendid work begun by the pioneers. The pastor, pleading for families to retain the land they lived on in the same family, here reflected the conservativeness of the Norwegian Lutheran Church.<sup>39</sup>

- 41 In his study of seven Swedish communities in Minnesota, Robert Ostergren discovered that those marked by *inter vivos* transfers and estate planning were linked to conservative self-contained parish communities in Sweden with population stability and strong freeholding traditions. Farm liquidation and after death transfers of property occurred in more liberal communities marked by significant changes in the social and economic system. These had more diverse economic opportunities where the importance of small freehold was not so important. Moreover, the conservative communities were Lutheran, while those with the highest liquidation rates lived outside community boundaries and were unchurched. In his study on the migration from Balestrand to the Upper Middle West, Jon Gjerde found that immigrants that were church members were less transient than others in the region as they remained part of an informal network of activities with economic and social advantages.<sup>40</sup>
- 42 Ostergren's and Gjerde's findings are coherent with the findings in this study. In all but four instances, the family attended the same Lutheran church for all three generations. In one case the change occurred in the second generation and in three of the cases in the third generation. The change in most cases took place where the person attached to the farm family studied attended the spouse's church but in one case was influenced by the move of the farm family to the nearest town. In one of these cases the change occurred when the farmer married a German Lutheran girl and became a member of her church. Moreover, several interviewees said that the church promoted segregation, especially in the first and the second generations.<sup>41</sup> Consequently, the findings of the study indicate that the local Lutheran church guaranteed social continuity. How do these findings relate to farm family persistency?
- 43 The study looked at the heads of household in two townships in Pope County by ethnicity in the 1905 state census for Minnesota in order to find out if ethnicity was significant regarding the period of residence. By 1905, 83 Norwegian heads of household had lived in the same enumeration district for 21 years and more, making up a total of 59.3 per cent of all Norwegian households. Moreover, the numbers fairly well reflect the persistency rates among the children in Pope County in the second and third generations. Due to a lack of data for the Wisconsin settlement area, a school district was picked out at random that consisted of 38 farms and building sites in which Norwegian-Americans made up a majority of the population for several generations. A total of 26 farms are found within the boundaries of the school district, of which Norwegian immigrants established 20. In all cases the farm had remained in the same family for at least two generations at least once since initial settlement. Only six farms, all Norwegian, had remained in the same family for three generations and more. More importantly, a rural bond existed despite



farm persistency on a limited number of farms; in 23 out of 38 families one or both spouses in several instances were natives from the same school district or the neighbouring school district.<sup>42</sup>

- 44 To sum up, the *ideal* of the allodial right was brought over by Norwegian immigrants and adapted to a mentality tied to the love of the family farm, the love for a rural way of life, and a strong interest to keep the farm in the family. This adaptation was done through a continuous process of negotiation through the generations, thus changing its original meaning.
- 45 The focus of this article is the relationship between American land law and the degree to which customs were transplanted from Europe in inter-generational land transfers. Norwegians were characterized by a rural bond and an attachment to the family farm. These traits were identical to cultural traits tied to German farm families in America. A third common trait between the two groups is the community formation around cohesive neighbourhoods based on common background down to the parish level. According to Robert Ostergren, land, from an entrepreneurial angle, was a material advantage and a source of speculation or quick profit where materialism outweighed communal and non-economical goals. In another sense, land was giver of life, symbol of familial accomplishment, independence and identity within community; here the ultimate goal was its orderly inheritance in the interest of maintaining family and community continuity.<sup>43</sup> If we attribute the first attitude as a “Yankee” trait and the second choice as “German,” the Norwegians are closely identified with the latter.
- 46 The three Norwegian customs of the allodial right, the right of primogeniture and impartibility, and the support agreement were never fully transplanted to American soil. Instead, they were reformulated in a new environment based on flexible and practical solutions among Norwegian immigrants and their offspring. Patterns of land transfer from strong and traditional freeholding regions in Norway that were based on the ties between family and land were meaningful for emigrants who left the homeland. Cultural traits that develop from the adaptation process must be understood on their own terms as Norwegian-American. They have ensued from a separate historical development through the negotiation and re-negotiation of identity between the immigrant and host society in a multicultural society.

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## NOTES

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